

# Exhibit O

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

RACHEL SPIVACK,

Plaintiff,

v.

CITY OF PHILADELPHIA and  
LAWRENCE S. KRASNER,

Defendants.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

CIVIL ACTION

NO. 2:22-cv-01438

**PLAINTIFF RACHEL SPIVACK'S AMENDED RESPONSE  
TO DEFENDANT CITY OF PHILADELPHIA'S FIRST SET OF ADMISSIONS**

PLAINTIFF RACHEL SPIVACK, by its undersigned counsel, hereby responds and objects as follows to DEFENDANT CITY OF PHILADELPHIA's REQUESTS FOR ADMISSION:

**REQUESTS FOR  
ADMISSIONS**

1. Plaintiff did not hold any other employment, other than at the DAO, from September 13, 2021 through April 8, 2022.

**RESPONSE:**

**Admitted.**

2. Plaintiff received the DAO COVID-19 Policy from the DAO.

**RESPONSE:**

**Admitted.**

3. The DAO COVID-19 Policy directs employees seeking an Accommodation Request to the DAO's COVID-19 Safety Committee.

**RESPONSE:**

**Admitted.**

4. The DAO COVID-19 Policy contains a hyperlink to the DAO Religious Exemption Form.

**RESPONSE:**

**Admitted. However, the form did not work for Plaintiff.**

5. Plaintiff sought a religious exemption to the DAO COVID-19 Policy by submitting an Accommodation Request to the DAO.

**RESPONSE:**

**Admitted.**

6. Plaintiff submitted an Accommodation Request to the DAO and not the City.

**RESPONSE:**

**Admitted.**

7. On December 8, 2021, the DAO directed Plaintiff to submit additional information by completing the DAO Religious Exemption Form.

**RESPONSE:**

**Admitted.**

8. Plaintiff had communications with personnel only within the DAO when seeking an Accommodation Request.

**RESPONSE:**

**Admitted.**

9. Plaintiff submitted a completed DAO Religious Exemption Form to the DAO.

**RESPONSE:**

**Admitted.**

10. Plaintiff did not complete the City's religious exemption form.

**RESPONSE:**

**Admitted.**

11. Plaintiff did not submit the Religious Exemption Form to the City.

**RESPONSE:**

**Admitted.**

12. On March 2, 2022, the DAO contacted Plaintiff to schedule a meeting regarding her Accommodation Request.

**RESPONSE:**

**Admitted.**

13. On March 4, 2022, Plaintiff met with employees from the DAO to discuss her Accommodation Request.

**RESPONSE:**

**Admitted.**

14. The denial of Plaintiff's Accommodation Request specifically stated that Plaintiff was "not in compliance with the DAO's policy."

**RESPONSE:**

**Admitted.**

15. Plaintiff did not communicate with the City regarding the Accommodation Request.

**RESPONSE:**

**Admitted.**

16. The communication concerning involuntary leave came from the DAO and not from the City.

**RESPONSE:**

**Admitted.**

17. The communication to Plaintiff regarding termination came from within the DAO.

**RESPONSE:**

**Admitted.**

18. At no time during the Relevant Time Period did Plaintiff communicate with the City's Employee Relations Unit regarding an Accommodation Request from the DAO COVID-19 Policy.

**RESPONSE:**

**Admitted.**

19. At no time during the Relevant Time Period did Plaintiff communicate with the City's Employee Relations Unit regarding the denial of Plaintiff's Accommodation Request from the DAO COVID-19 Policy.

**RESPONSE:**

**Admitted.**

20. At no time during the Relevant Time Period did Plaintiff communicate with the City's Law Department regarding Plaintiff's Accommodation Request from the DAO COVID-19 Policy.

**RESPONSE:**

**Admitted.**

Dated: August 10, 2022

By: /s/ Christina Martinez

Christina Martinez, Esq.  
245 Bricktown Way, Suite J  
Staten Island NY 10309

SIDNEY L. GOLD & ASSOC., P.C.  
1835 Market Street, Suite 515  
Philadelphia PA 19103

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, Christina Martinez, certify that on this 10th day of August, 2022, I served Plaintiff's Amended Responses to Defendant City of Philadelphia's Requests for Admission on the following via e-mail:

Nicole S. Morris, Esquire  
City of Philadelphia Law  
Department 1515 Arch Street, 16<sup>th</sup>  
Floor Philadelphia, PA 19102  
Nicole.Morris@phila.gov

Lauri A. Kavulich,  
Jakob Williams, Esquire  
Clark Hill PLC  
2001 Market Street, Suite 2620  
Philadelphia, PA 19103  
lkavulich@clarkhill.com  
jfwilliams@clarkhill.com

*Counsel for Defendant City of  
Philadelphia*

David Smith, Esq.  
Samantha Banks, Esq.  
Schnader Harrison Segal & Lewis LLP  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
DSmith@schnader.com  
SBanks@schnader.com

*Counsel for Defendant Lawrence S. Krasner*

/s/ Christina Martinez  
Christina Martinez, Esq.